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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,459	03/01/2002	Christopher Marshall	1650-005	6662

7590 07/26/2005

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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/087,459	<b>Applicant(s)</b> MARSHALL, CHRISTOPHER	
	<b>Examiner</b> Marcus Charles	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9-31 and 35-40 is/are pending in the application.  
     4a) Of the above claim(s) 30, 31 and 35-37 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-6,9-29 and 38-40 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

*HC*

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### **DETAILED ACTION**

This action is responsive to the amendment filed 07-07-2005, which has been entered.

Claims 1-6, 9-31 and 35-40 are currently pending.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawing will be required when the application is allowed.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first at and second elongated pins" as in claims 1-6 and 9-29, must be shown or the feature(s) canceled from the claim(s). In addition, the drawings do not show the washers and having features as in claims 17-28. No new matter should be entered.

In addition, the drawings are objected to under 37 CFR 1.83(a) because they fail to show s the details of the pins and washers as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the

examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Amendment***

4. The non-elected claims (30-31 and 35-37) should be designated as (Withdrawn) and not (Previously presented). Corrected is required in the reply to this office action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 9-29 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Applicant submitted prior art by Stephen E. Winegardener for Rennord Corporation) in view of Sheldon (4,220,052). Winegardener discloses the claimed invention including a multi-link conveyor chain comprising first and second elongated pins spaced apart in parallel relationship, each pin having a non-circular cross-section; a plurality of link plates mounted on the pins, each link has a main body defining a non-circular aperture to match the non-circular pins; first enclosure member having a trapezoidal section and having a main body defining first and second non-circular apertures that matches the shape of the pins. Each aperture includes a tapered counterbore for accommodating the head of the pin. Winegardener does not disclose

the counterbore is non-tapered. Sheldon discloses a chain comprising links having pinholes that have non-tapered counterbores (21a, 23a) in order to allow for the riveted head of the pin to have uniform thickness so as to strengthen the chain in the lateral direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the outer plates of Winegardener so that the counterbores are non-tapered in view of Sheldon in order to allow for the riveted head of the pin to have uniform thickness so as to strengthen the chain in the lateral direction.

Note, Winegardener clearly discloses the enclosure having sufficient depth to enclose the retaining means and the pinheads.

In claims 2-3, Winegardener discloses the claimed invention including the second enclosure, which is identical to the first enclosure.

In claim 4, it is apparent that the chain includes a plurality of first and second enclosures.

In claims 5 and 6, note the enclosures having round corners.

In claims 9-16, Winegardener anticipates the claimed invention.

Regarding claims 17-27, Winegardener discloses the claim invention but does not disclose the chain having washers between the link plates. Applicant clearly disclose in page 3, paragraph [003] that it is well known in the art for a chain having washer (s) between the link plates. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Winegardener to include washers between the links in view of applicant disclosure in order to reduce friction between the links. Furthermore, applicant did not disclose the configuration of

the links. However, it would have been obvious to one of ordinary skill in the art at the time of the invention for a washer to have any particular shape, since washers with various shapes are well known in the art. As shown In re Dailey, 149 U 47(CCPA 1976), a change in a basic geometrical shape of a known apparatus would be an obvious improvement.

Regarding claim 28, it would have been obvious to one of ordinary skill in the art to provide a washer composed of heat treatable alloy steel having a working temperature of excess of 350<sup>0</sup>C, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

In claims 38-40, Winegardener clearly discloses the claimed invention above.

### ***Response to Arguments***

7. Applicant's arguments filed 2-07-2005 have been fully considered but they are not persuasive. Applicant contented that there is no need for showing the pins and washers. It should be noted that the drawing must show every feature of the claimed invention and as described in the specification. See MPEP 608.02(d). and 37CFR 1.83

8. Argument relating to Winegardener. Winegardener clearly shows the invention was known by others before the invention by the applicant. Therefore, the rejection is proper.


9. In response to arguments relating the countersunk bore. Sheldon has shown that it is well known for the link mechanism to have counter bores for accommodating the heads of a pin and riveted heads of pin. For these reason the rejection is proper.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
July 23, 2003